

REMARKS

This is in response to the Office Action dated April 22, 2004. Claims 1-9 are pending is this application.

Specification

Applicant has amended pertinent parts of the Specification to overcome the numerous typographical and grammatical errors.

Claim Objections

To response the claim objections, applicant has amended claim 2. The amended claim 2 now recites "[t]he apparatus of claim 1, wherein all sessions are totally continuous to obtain a thirty-minute operation cycle."

35 USC § 112

Claim 3 recites the limitation "the buttons" in the second line of the claim. There is insufficient antecedent basis for this limitation in the claim.

To response the rejection, applicant has amended claim 3. The amended claim 3 now recites "[t]he apparatus of Claim 1, further comprising a housing for installation of the microprocessor and the impulse generator inside, and the switch on a surface thereof."

35 USC § 102

Claims 1, 3, 5, 7 are rejected under 35 USC § 102 (b) as being anticipated by Minogue et al. (US Patent Publication 2002/0133195).

To response the rejections, applicant has amended claim 1 in which the impulse generator 142 is controlled by the microprocessor 141 in the circuit board 14 to generate pulsed signals having a certain waveform, and the certain waveform having a cycle including a first session of pulse generation with 100Hz in frequency and 100 μ s in width for

continuous three minutes, a second session with 130Hz and 80 μ s for continuous three minutes, a third session with 100Hz and 100 μ s for continuous four minutes, a fourth session with 8Hz and 20 μ s for continuous two minutes, a fifth session with 100Hz and 100 μ s for continuous four minutes, a sixth session with 5Hz and 30 μ s for continuous two minutes, a seventh session with 130Hz and 80 μ s for continuous four minutes, a eighth session with 8Hz and 20 μ s for continuous two minutes, a ninth session with 130Hz and 80 μ s for continuous four minutes, and a tenth session with 5Hz and 30 μ s for continuous two minutes. A switch is connected to the microprocessor for inputting an operation. A pad with one surface is attachable to facial skin. Two electrodes mounted on the pad to electrically connect with the impulse generator. Thereby an electro-muscle stimulation is applied to facial tissue in an operation cycle corresponding to the cycle of the certain waveform of the pulsed signals.

However, Minogue does not disclose any of the pulse generators 90 and 91 to generate pulsed signals having a certain waveform as of Applicant's amended claim 1. Minogue does not disclose the electrotherapeutic device thereof to provide an electro-muscle stimulation is applied to facial tissue in an operation cycle corresponding to the cycle of the certain waveform of the pulsed signals as of Applicant's amended claim 1, either. These differences in structural have distinguished Applicant's amended claim 1 from Minogue's disclosure. Therefore, applicant respectfully traverses Examiner's rejections and submits the amended claim 1 should not be anticipated by Minogue.

Moreover, since claims 3, 5, and 7 depend on the amended independent claim 1, claims 3, 5, and 7 should not be anticipated by Minogue, either.

35 USC § 103

Claims 1-9 are rejected under 35 USC § 103 (a) as being unpatentable over Bartelt et al. (US Patent 5,069,211) in view of Barker (US Patent 3,709,228), or in view of Cormier et al. (US Patent 5,995,869), or in view of Applicant's admission of prior art.

To response the rejections, for similar reasons, neither Bartelt nor Barker nor Cormier teaches or suggests to generate pulsed signals having a certain waveform, and the certain waveform having a cycle including a first session of pulse generation with 100Hz in frequency and 100 μ s in width for continuous three minutes, a second session with 130Hz and 80 μ s for continuous three minutes, a third session with 100Hz and 100 μ s for continuous four minutes, a fourth session with 8Hz and 20 μ s for continuous two minutes, a fifth session with 100Hz and 100 μ s for continuous four minutes, a sixth session with 5Hz and 30 μ s for continuous two minutes, a seventh session with 130Hz and 80 μ s for continuous four minutes, a eighth session with 8Hz and 20 μ s for continuous two minutes, a ninth session with 130Hz and 80 μ s for continuous four minutes, and a tenth session with 5Hz and 30 μ s for continuous two minutes so as to apply an electro-muscle stimulation to facial tissue in an operation cycle corresponding to the cycle of the certain waveform of the pulsed signals.

These differences indicate that amended claim 1 is structurally distinguished from Bartelt in combination of Barker, or Cormier, or Applicant's admission of prior art. Moreover,

in amended claim 1, Applicant's electrical impulse apparatus for facial massage provided includes a circuit to generate pulsed signals and then the signals are transmitted to two electrodes mounted on the pad by conductive lines. Therefore, when the pad is attached to the facial skin, electro-muscle stimulation is applied to exercise facial muscles to improve muscle tone and strength and to against aging process. That is, comparing with Bartlet in combination of Barker, or Cormier, or Applicant's admission of prior art, the subject matter of amended claim 1 can obtain an unexpected result.

Therefore, applicant submits the amended claim 1 should be patentable over Bartelt in view of Barker, or in view of Cormier, or in view of Applicant's admission of prior art. Moreover, because claims 2-9 depend on the amended independent claim 1, claims 2-9 should be also patentable over Bartelt in view of Barker, or in view of Cormier, or in view of Applicant's admission of prior art.

In view of the foregoing, the application is believed to be in condition for allowance. Entry of the amendments and issuance of a Notice of Allowance is therefore respectfully requested. If any additional fee is required, please charge Deposit Account Number 502751.

Respectfully submitted,

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